



PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 6, 2005

Date

Phoebe E. Pogson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/654,115

Confirmation No. : 5616

Applicant : Dean A. Klein

Filed : August 30, 2000

Attorney Docket No.: 500050.01

Art Unit : 2193

Customer No. : 27,076

Examiner : Tuan A. Vu

Title : SYSTEM AND METHOD FOR DETERMINING THE CACHEABILITY OF CODE AT
THE TIME OF COMPILING

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES
AND PETITION FOR AN EXTENSION OF TIME

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences the decision of the Examiner dated June 6, 2005 rejecting claims 1-61.

Applicant hereby petitions for an additional extension of time under 37 C.F.R. § 1.136, extending the period of response two additional months, for a total three month extension to expire on December 6, 2005. A petition for a one-month extension of time was filed on September 22, 2005, with the Request for Reconsideration. If an additional extension of time is required, please consider this a petition therefor.

12/12/2005 WABDEL1 00000062 09654115

02 FC:1253

900.00 OP

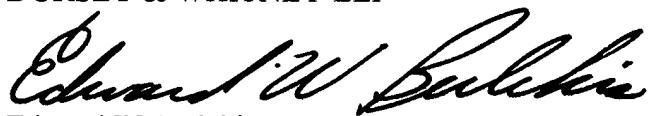
12/12/2005 WABDEL1 00000062 09654115
01 FC:1401
500.00 OP

Our check for \$1400, in accordance with applicant small/large entity status, is enclosed.

Notice of Appeal	\$	500
Extension of time fee (\$1020-120)		900
Total	\$	1400

The Commissioner is hereby authorized to charge any fees in conjunction with this communication or to credit any overpayment to Deposit Account No. 50-1266. This notice is being submitted in duplicate.

Respectfully submitted,
DORSEY & WHITNEY LLP



Edward W. Bulchis
Registration No. 26,847

EWB:pep

Enclosures:

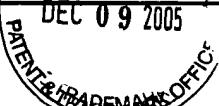
- Postcard
- Check
- Fee Transmittal
- Copy of this Notice/Petition

1420 Fifth Avenue, Suite 3400
Seattle, Washington 98101
Tele: (206) 903-8800
Fax: (206) 903-8820

DEC 09 2005

**FEE TRANSMITTAL SHEET
(FY 2005)**

Effective on 12/08/04


 Applicant claims small entity status (see 37 C.F.R. 1.27)

Complete if Known	
Application No.	09/654,115
Filing Date	August 30, 2000
First Inventor	Dean A. Klein
Group Art Unit	2193
Examiner Name	Tuan A. Vu
Atty. Docket Number	500050.01

METHOD OF PAYMENT (Check One)

The Director is hereby authorized to charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 and 1.136(a)(3) and credit any over payments to Deposit Account No. **50-1266**; Deposit Account Name: **DORSEY & WHITNEY LLP**.

Check Enclosed.

Extra Claim Fees

Current Claims	Prior	Extra	Fee	Fee Paid
Total	20	=	\$	\$
Ind.	3	=	\$	\$
Multiple Dependent Claims		x	\$	\$
			Subtotal (Extra Claims)	\$

Petition Fee Under 37 CFR 1.17(f), (g), & (h)

Enclosed is a Petition filed under 37 CFR as indicated below:

<input type="checkbox"/> Petition Fee under 37 CFR 1.17(f)	Fee \$400
§ 1.53(e) to accord a filing date.	
§ 1.57(a) to accord a filing date.	
§ 1.182 for decision on a question not provided for.	
§ 1.183 to suspend the rules.	
§ 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.	
§ 1.174(b) to accord a filing date to an application under §1.740 for extension of patent term.	
<input type="checkbox"/> Petition Fee under 37 CFR 1.17(g)	Fee \$200
§ 1.12 for access to an assignment record.	
§ 1.14 for access to an application.	
§ 1.47 for filing by other than all inventors or person not the inventor.	
§ 1.59 for expungement of information.	
§ 1.103(a) to suspend action in an application.	
§ 1.136(b) for review of a request for ext. of time when §1.136(a) not avail.	
§ 1.295 for review of refusal to publish a statutory invention registration.	
§ 1.296 to withdraw a req. for pub. after notice of intent to publish issued.	
§ 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.	
§ 1.550(c) for request for ext. of time in <i>ex parte</i> reexam. proceedings.	
§ 1.956 for request for ext. of time in <i>ex parte</i> reexam. proceedings.	
§ 5.12 for expedited handling of foreign filing license.	
§ 5.15 for changing the scope of a license.	
§ 5.25 for retroactive license.	
<input type="checkbox"/> Petition Fee under 37 CFR 1.17(h)	Fee \$130
§ 1.19(g) to request documents in a form other than provided in this part.	
§ 1.84 for accepting color drawings or photographs.	
§ 1.91 for entry of a model or exhibit.	
§ 1.102(d) to make an application special.	
§ 1.138(c) to expressly abandon an application to avoid publication.	
§ 1.313 to withdraw an application from issue.	
§ 1.314 to defer issuance of a patent.	

3. ADDITIONAL FEES			
Large Entity Fee	Small Entity Fee	Fee Description	Fee paid
50	25	Surcharge - late provisional filing fee or cover sheet	\$
130	65	Surcharge - Late nonprovisional filing fee or oath	\$
180	180	Submission of IDS	\$
40	40	Recording each patent assignment per property (times number of properties)	\$
120	60	Extension for reply within first month	\$(120)
450	225	Extension for reply within second month	\$
1,020	510	Extension for reply within third month	\$1020
1,590	795	Extension for reply within fourth month	\$
2,160	1,080	Extension for reply within fifth month	\$
790	395	Submission After Final 1.129	\$
500	250	Notice of Appeal	\$500
500	250	Filing a brief in support of an appeal	\$
1,000	500	Request for oral hearing	\$
130	65	Terminal Disclaimer Fee	\$
800	400	Design Issue Fee	\$
790	395	Request for Continued Examination (RCE)	\$
130		Request for voluntary publication or republication	\$
500	250	Petition to Revive – unavoidable	\$
1,500	750	Petition to Revive – unintentional	\$
200		Filing for patent term adjustment	\$
400		Request for reinstatement of term reduced	\$
1,120		Extension of term of patent	\$
OTHER FEE (specify)			\$
Subtotal (Additional Fees)			\$1400

Total Amount of Payment: **\$1400**

Submitted by:

CUSTOMER NUMBER 27,076	DORSEY & WHITNEY LLP	1420 Fifth Avenue, Suite 3400 Seattle, WA 98101-4010 (206) 903-8800 phone / (206) 903-8820 fax
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Name: Edward W. Bulchis

Reg. No.: 26,847

Signature:

12/6/05